

**DECLARATION AND POWER OF ATTORNEY
FOR ORIGINAL U.S. PATENT APPLICATION**

Attorney's Docket No. NETAP008

As a below-named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe that I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: **SYSTEM AND METHOD FOR REMOTE MAINTENANCE OF HANDHELD COMPUTERS**, the specification of which,

(check one)

1. ☒ is attached hereto.

2. ☐ was filed on _____ as
U.S. Application No. _____
and was amended on _____.

3. ☐ was filed on _____ as
International PCT Application No. _____
and was amended on _____.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, CFR § 1.56.

I hereby claim foreign priority benefits under Title 35, United States code, § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT International application which designated at least one country other than the United States, listed below and have identified below, by checking the box, any foreign application for patent or inventor's certificate, or PCT International application having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)

Priority Benefits

Claimed?

(Appl. No.)

(Country)

(Filing Date)

☐ Yes ☐ No

(Appl. No.)

(Country)

(Filing Date)

☐ Yes ☐ No

I hereby claim the benefit under 35 U.S.C. §119(e) of any United States provisional application(s) listed below:

Prior Provisional Application(s)

(Application No.) (Filing Date)

(Application No.) (Filing Date)

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s), or § 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

Prior U.S. Application(s)

(Application No.) (Filing Date) (Status - patented, pending, abandoned)

(Application No.) (Filing Date) (Status - patented, pending, abandoned)

And I hereby appoint **Cindy S. Kaplan (Reg. No. 40,043)** and **Christopher J. Hamaty (Reg. No. 37,634)** as my principal attorneys to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

Please Direct all Correspondence To: **Customer No. 26541**
Cindy Kaplan, Attorney at Law
18569 Eucalyptus Drive
Los Gatos, CA 95030

Direct Telephone Calls To: **CINDY KAPLAN at telephone number (408) 399-5608**

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Typewritten Full Name of
Sole or First Inventor: Brian R. Cox Citizenship: United States

Inventor's signature: _____ **Date of Signature:** _____

Residence: (City) Aloha (State/Country) OR/USA

Post Office Address: 21210 SW Winterfield Lane, Aloha, OR 97006

Full Name of Second Joint

Inventor (if any): Brandt Haagensen

Citizenship: United States

Inventor's signature: Brandt Haagensen

Date of Signature: 3/5/2001

Residence: (City) Portland

(State/Country) OR/USA

Post Office Address: 3507 SW Corbett, Apt. A, Portland, OR 97201

Full Name of Third Joint

Inventor (if any): Do Kim

Citizenship: South Korea

Inventor's signature: _____

Date of Signature: _____

Residence: (City) Portland

(State/Country) OR/USA

Post Office Address: 223 SE 113th Ave., Portland, OR 97216

FILED IN 2001

**DECLARATION AND POWER OF ATTORNEY
FOR ORIGINAL U.S. PATENT APPLICATION**

Attorney's Docket No. NETAP008

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My residence, post office address and citizenship are as stated below next to my name.

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1. ☒ is attached hereto.
2. ☐ was filed on _____ as
U.S. Application No. _____
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**Prior Foreign Application(s)
Claimed?**

Priority Benefits

(Appl. No.)

(Country)

(Filing Date)

☐ Yes ☐ No

(Appl. No.)

(Country)

(Filing Date)

☐ Yes ☐ No

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

Prior Provisional Application(s)

(Application No.) (Filing Date)

(Application No.) (Filing Date)

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Prior U.S. Application(s)

(Application No.) (Filing Date) (Status - patented, pending, abandoned)

(Application No.) (Filing Date) (Status - patented, pending, abandoned)

And I hereby appoint **Cindy S. Kaplan (Reg. No. 40,043)** and **Christopher J. Hamaty (Reg. No. 37,634)** as my principal attorneys to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

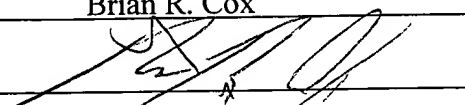
Please Direct all Correspondence To: **Customer No. 26541**
Cindy Kaplan, Attorney at Law
18569 Eucalyptus Drive
Los Gatos, CA 95030

Direct Telephone Calls To: **CINDY KAPLAN at telephone number (408) 399-5608**

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Typewritten Full Name of
Sole or First Inventor: Brian R. Cox

Citizenship: United States

Inventor's signature: 

Date of Signature: 1/18/01

Residence: (City) Aloha

(State/Country) OR/USA

Post Office Address: 21210 SW Winterfield Lane, Aloha, OR 97006

Full Name of Second Joint
Inventor (if any):

Brandt Haagensen

Citizenship: United States

Inventor's signature: _____

Date of Signature: _____

Residence: (City) Portland

(State/Country) OR/USA

Post Office Address: 3507 SW Corbett, Apt. A, Portland, OR 97201

Full Name of Third Joint
Inventor (if any):

Do Kim

Citizenship: South Korea

Inventor's signature: _____

Date of Signature: _____

Residence: (City) Portland

(State/Country) OR/USA

Post Office Address: 223 SE 113th Ave., Portland, OR 97216

FILED: SEP 10 2008

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of: Brian R. Cox et al.)
) Art Unit: Unassigned
)
Application No.: Unassigned) Examiner: Unassigned
)
Filed: Herewith) Attorney Docket No.: NETAP008
)
For: SYSTEM AND METHOD FOR)
REMOTE MAINTENANCE OF)
HANDHELD COMPUTERS)
_____)

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as ~~First~~ ^{EXPRESS MAIL} Class Mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, DC 20231 on 3/2/01

Signed: 32

**ADDED PAGE TO COMBINED DECLARATION AND POWER OF ATTORNEY
FOR SIGNATURE BY JOINT INVENTOR ON BEHALF OF OMITTED
INVENTOR WHO REFUSES TO SIGN OR CANNOT BE REACHED
Pursuant to 37 C.F.R. §1.47 (a)**

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

I am an above-named joint inventor and have signed this declaration on my own behalf and also sign this declaration under 37 CFR§1.47(a) on behalf of the omitted inventor who

X refuses to sign.

_____ cannot be found or reached.

Full name of first omitted inventor: Do Kim

South Korea
Country of Citizenship of omitted inventor

223 SE 113th Ave., Portland, OR 97216
Last known address of omitted inventor

Brian R. Cox

Signature Date

Brandt Haagenzen
Brandt Haagenzen

Brandt Haagenzen 3/5/2001
Signature Date

106060-23720860

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of: Brian R. Cox et al.

Art Unit: Unassigned

Application No.: Unassigned

Examiner: Unassigned

Filed: Herewith

Attorney Docket No.:NETAP008

For: **SYSTEM AND METHOD FOR
REMOTE MAINTENANCE OF
HANDHELD COMPUTERS**

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Assistant Commissioner for Parcnrs, Washington, DC 20231 on 3/9/01

Signed:

**ADDED PAGE TO COMBINED DECLARATION AND POWER OF ATTORNEY
FOR SIGNATURE BY JOINT INVENTOR ON BEHALF OF OMITTED
INVENTOR WHO REFUSES TO SIGN OR CANNOT BE REACHED
Pursuant to 37 C.F.R. §1.47 (a)**

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

I am an above-named joint inventor and have signed this declaration on my own behalf and also sign this declaration under 37 CFR§1.47(a) on behalf of the omitted inventor who

X refuses to sign.

cannot be found or reached.

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of: Brian R. Cox et al.)
) Art Unit: Unassigned
)
Application No.: Unassigned) Examiner: Unassigned
)
Filed: Herewith)
) Attorney Docket No.:NETAP008
For: SYSTEM AND METHOD FOR REMOTE)
MAINTENANCE OF HANDHELD)
COMPUTERS)
_____)

**DECLARATION OF FACTS IN SUPPORT OF APPLYING ON BEHALF OF
OMITTED INVENTORS
Pursuant to 37 C.F.R. §1.47 (a)**

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:


This declaration is made as to the facts that are relied upon to establish the diligent effort made to secure the execution of the Declaration for the above-identified patent application by the omitted inventor. This declaration is being made by the available person having first-hand knowledge of the facts recited therein.

I, Cindy S. Kaplan, do hereby declare:

A copy of the subject patent application, Combined Declaration and Power of Attorney, and Assignment were sent to inventor Do Kim on December 28, 2000 (See Exhibit A).

I spoke to Do Kim via telephone on January 4, 2001 and confirmed that he had received the documents sent to him on December 28, 2000. At this time Do Kim was no

THE UNIVERSITY OF CHICAGO


Cindy S. Kaplan
Reg. No. 40,043
3-9-01
Date

CINDY KAPLAN
Attorney at Law

EXHIBIT A

18569 Eucalyptus Drive
Los Gatos, California 95030
Tel: 408-399-5608
Fax: 408-399-5609
cindy@ckaplanlaw.com



VIA FEDERAL EXPRESS

December 28, 2000

Do Kim
223 S.E. 113th Ave.
Portland, OR 97216

Re: U.S. Patent Application
Entitled: SYSTEM AND METHOD FOR REMOTE MAINTENANCE OF HANDHELD
COMPUTERS
Inventor(s): Brian R. Cox et al.
Your File Nos. NAI 00.120.01 Our File No. NETAP008

Dear Do:

Enclosed are several documents for the above-referenced patent application that need to be reviewed, signed, and returned to us. I have also sent a copy of these documents to Brian Cox and Brandt Haagenzen for their review. Please review the patent application, and if you have no changes, sign, and date the Combined Declaration and Power of Attorney and Assignment, and return the completed documents to us. Please execute the Assignment before a notary.

1. Patent Specification and Claims as attached to the Combined Declaration and Power of Attorney

The Declaration formally "applies" for the patent and the Power of Attorney gives our firm power of attorney to prosecute the application in the Patent Office. Each of the inventors should read the specification and claims, review the drawings, and read the combined Declaration and Power of Attorney form prior to signing. If everything is correct in these papers and the inventors understand and agree with the statements in the form, each inventor should sign and date the Declaration where indicated. It is improper to alter or mark the specification and claims or the declaration once the signing commences. If there are any questions, please call me and we will work out a solution before signing of this document.

2. Assignment

The Assignment formally makes of record that McAfee.com owns this invention and that the inventors are transferring full ownership of the invention to McAfee.com. Please execute the assignment before a notary public. If the assignment is executed outside of the United States, it should be witnessed or signed before the equivalent of a notary public in that jurisdiction.

We would like to remind you of our duty to disclose the most pertinent prior art of which you are aware to the Patent Office. As you know, we have a duty to disclose to the Patent Office any patents, papers, and other public materials that you are aware that may be pertinent to the invention. If you know of any other references that should be cited, please let me know so that we can include them with an Information Disclosure Statement that will be filed with the Patent Office. Additionally, please remember that the duty to disclose pertinent prior art continues until the patent actually issues. Therefore, if you become aware of any references in the future, please let us know.

Once we receive the completed documents, we will file the patent application with the United States Patent and Trademark Office. If you have any questions, please do not hesitate to call me at (408) 399-5608.

Best Regards,

A handwritten signature in black ink, appearing to read 'C. Kaplan', written in a cursive style.

Cindy S. Kaplan

Enclosures

<u>In re</u> the application of: Brian R. Cox et al.)	
)	Art Unit: Unassigned
)	
Application No.: Unassigned)	Examiner: Unassigned
)	
Filed: Herewith)	
)	Attorney Docket No.:NETAP008
For: SYSTEM AND METHOD FOR REMOTE)	
MAINTENANCE OF HANDHELD)	
COMPUTERS)	
)	

J1046 U.S. PTO
 09/802452

 03/09/01

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail Post Office to Addressee service under 37 CFR 1.10 in an envelope addressed to: Assistant Commissioner for Patents, Washington, DC 20231 on March 9, 2001.

Signed:

Jack Limper

Assistant Commissioner for Patents
Washington, D.C. 20231

Applicants Brian R. Cox and Brandt Haagensen (the “remaining joint inventors”) hereby petition the Commissioner to accept for application the above-identified U.S. Patent Application by other than all of the inventors.

An Added Page to the Combined Declaration and Power of Attorney is attached hereto in which the remaining joint inventors have signed on behalf of the omitted inventor as required by 37 C.F.R. §1.64 and M.P.E.P. §409.03(a), and includes the last known address of the omitted inventor.

A Declaration of Facts in Support of Applying on Behalf of Omitted Inventors is also attached hereto and provides proof of the pertinent facts regarding the omitted inventor who refuse to sign as required by 37 C.F.R. §1.47(a) and M.P.E.P. §409.03(d).

In view of the refusal of the omitted inventor to sign the papers required for the above-identified application, the remaining joint inventors are believed to be entitled to make such an application on behalf of and as agents for the omitted inventor. The required fee pursuant to 37 C.F.R. §1.17(i) is enclosed.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'C/S Kaplan', followed by a horizontal line.

Cindy S. Kaplan
Registration No. 40,043

Ritter, Lang & Kaplan LLP
12930 Saratoga Ave., Suite D1
Saratoga, CA 95070